

Commonwealth of Virginia
Department of Criminal Justice Services

Guideline No. 7
Revised: 3/27/12
Effective: 4/15/2012
Subject: Reporting Serious Incidents and
Citizen Complaints

Purpose:

To provide all local pretrial and community-based probation services agencies with a consistent and uniform procedure for documenting and reporting serious incidents involving defendants, offenders, and agency staff. It also provides a procedure for investigating, documenting, reporting, and responding to citizen complaints that may result in, or have resulted in, negative publicity, a stated negative concern about agency intent, purpose and services, or for which a public investigation has been initiated.

Related Standard: Department of Criminal Justice Services *Minimum Standards for Local Community Corrections and Pretrial Services*, Part I, §1.1-Definitions Part II, §2.7 A. & B. Serious Incidents and Citizen Complaints.

Related Statute: None

Definitions:

- Citizen Complaint means any serious objection regarding agency operation or staff behavior raised by a citizen to the administrative agent of an agency, the agency director or coordinator, or the Department, or a concern about or opinion of the agency stated in the press. Complaints may be verbal or written in nature. "Citizen" also includes any local government department, board, or agency, any private business, or not-for-profit agency or organization.
- Moral Turpitude means any act or conduct contrary to justice, honesty, modesty or good morals in the private, public and social duties of an individual.
- Serious Incident means any incident involving a defendant, offender, or staff member, directly or indirectly, in which there has been serious personal injury to the public (including the defendant, offender or staff member), public safety has been endangered or public concern has been or may be expressed.
- Serious Incident Report means a standardized form used to inform public officials concerning a serious incident. This is not the same as a violation report to the court.
- Violation Report means a written notification to the court and/or Commonwealth's Attorney indicating a violation of any conditions of bail or pretrial and local probation supervision by a defendant or offender in accordance with locally approved procedures, for which a show cause summons may have been sought.

Policy:

I. Reporting Serious Incidents Committed by Defendants and Offenders to Authorities

- A. Local pretrial and community-based probation agency directors, supervisors, unit managers or coordinators shall report serious incidents to the administrative and fiscal agent of the agency, to any other individual or agency required by local procedure and to the Department as outlined in I.B below. Serious incidents should be reported to the Department only if one of the following apply:
 - 1. The incident has been reported in the media and subjects the agency to public scrutiny, or
 - 2. The incident has resulted in a contact concerning the defendant/offender by law enforcement, the Commonwealth's attorney or other appropriate authorities which could result in negative public scrutiny, or
 - 3. The continued exposure in the media creates the likelihood that there will be a contact concerning the case.
- B. If one of the three criteria above is met, the following are reportable serious incidents :
 - 1. any new criminal offense committed by a defendant or offender;
 - 2. any assaults on staff by a defendant or offender pursuant to § 18.2- 55;
 - 3. any other offenses in which agency staff were the victim or intended victim including, but not limited to, stalking, trespassing, tampering with an auto, any threats by phone or offenses where the agency offices were the target or intended target of a crime by a defendant or offender;
 - 4. any death of a defendant or offender, including suicide, which is suspicious in nature or the result of the offender's continued criminal activity;
 - 5. any serious incident involving a pretrial defendant who has skipped bail, left the jurisdiction to avoid prosecution, or failed to appear, or an offender who has absconded.
- C. Serious incidents shall be reported by the agency director or designee to the Department as follows:
 - 1. by phone within one business day of learning of the occurrence of the incident. Reporting incidents by e-mail or facsimile is not recommended since these are not confidential.
 - 2. in writing within 5 business days on the Serious Incident Report Form developed by the Department and enclosing photocopies of any newspaper articles related to the incident

II. Reporting Serious Incidents Committed by Staff

- A. The administrative and fiscal agent shall report to the Department, in a manner consistent with this guideline, any incident outlined in this guideline that concerns or involves the agency director or coordinator.
- B. Local pretrial and community-based probation agency directors, unit managers and coordinators shall report to the Department and to the administrative and fiscal agent of the agency, and to any other individual or agency required by local procedure serious incidents involving agency staff as follows:
 - 1. any alleged offense committed by a staff against a defendant or offender, including but not limited to, violations of §§18.2-64.2 or 18.2-67.4, or any fraudulent activity perpetrated against a defendant or offender;
 - 2. any offense involving moral turpitude allegedly committed by staff that has been reported in the media and which links staff to the agency;
 - 3. any incident involving the misuse of grant funds;
 - 4. any incident or offense involving a violation of the public trust associated with that office or position including, but not limited to, revealing confidential information pursuant to §2.2-3714, forging, falsifying or destroying agency records pursuant to §§18.2-168 & 18.2-472.
- C. Serious incidents by staff shall be reported to the Department as follows:
 - 1. by phone within one business day of learning of the occurrence of the incident. Reporting incidents by e-mail or facsimile is not recommended since these are not confidential.
 - 2. in writing by a narrative report sent within 5 business days following the incident accompanied by photocopies of newspaper articles related to the incident, including the following:
 - a. the name of the person involved in the alleged charge
 - b. date of the incident
 - c. the alleged offense
 - d. nature and circumstances of the incident
 - e. where the incident occurred
 - f. any legal action resulting from the incident
 - g. any interim action taken by the administrative agent or agency director or coordinator concerning the staff
 - 3. in writing by a subsequent report within 5 business days of the final outcome of the incident, if known.

III. Reporting Citizen Complaints

- A. Local pretrial and community-based probation agency directors, unit managers or coordinators shall report to the Department, and to any local agency as required by established procedure, incidents involving citizen complaints as follows:
 - 1. any written complaint to the agency administrative and fiscal agent, the CCJB chairperson or the director or coordinator from a citizen.
 - 2. any complaint or concern about the agency or complaint that is the subject of a letter to the editor or similar media venue or local talk show.
 - 3. any verbal complaint by a citizen or local entity concerning the agency, the staff, or the intent and purpose of the agency that has been expressed to the local agency or the director, unit manager or coordinator, that has not been successfully resolved by the agency director, unit manager or coordinator, and which presents the likelihood of a written complaint to the media.
- B. Citizen complaints shall be reported to the Department and to any other agency required by local procedure as follows:
 - 1. by phone within one business day of learning of the occurrence of the incident. Reporting incidents by e-mail or facsimile is not recommended since these are not confidential.
 - 2. in writing with a report within 5 business days in narrative form advising of the results of the investigation of the complaint including the following:
 - a. the name of the person about which the complaint was made, or
 - b. the concern expressed in the complaint
 - c. date of the complaint
 - d. nature and circumstances of the complaint
 - e. process that was used to resolve or the attempt to resolve the complaint
 - f. any newspaper articles related to the complaint should be photocopied and forwarded with the report.

CONFIDENTIAL PURSUANT TO §§ 2.2-3706 F.8; 9.1-177.1; 19.2-152.4:2

FORM SIR 3/27/12

SERIOUS INCIDENT REPORT FORM: _____
Complete Name of Agency (no abbreviations)

Serious Incidents Must Be Reported Immediately. **Report incident by phone within 1 work day and follow with written report within 5 workdays with the person designated by your agency. The director shall forward the report to the administrative agent, to any office or individual as required by local procedure, and to the Department.**

Name of Defendant/Offender: _____
Placement Type: Pretrial____ Local Probation____ Court _____
Original Offense(s) _____
Sentence/Amount Suspended/Period of Probation: _____
Date of Placement: _____ Progress /Status: _____
In the case of pretrial clients, was client recommended for supervision? _____
VPRAI or M/OST risk level: _____

Date of Incident: _____ Time of Incident: _____
Type of Incident: _____ When was agency made aware of incident: _____
How Did Agency Learn of Incident? _____
Place Where Incident Occurred: _____
Brief Description of Incident - Use Page 2 of Form for Additional Information: _____

Name of Victim(s) or Other Person(s) involved: _____

Victim Relationship to Defendant or Offender, if any _____
New Charge(s) Filed (if applicable) : _____
Next court date and court involved: _____
Has Defendant/ Offender been arrested? Yes____ No ____ Currently Confined? Yes____ No____
If "No" has Capias been sought? Yes ____ No ____ Issued? Yes ____ No ____
Other Action Taken/Follow-up: _____

Newspaper articles attached: Yes No
Name of Officer Completing Report [Print] _____ Signature of Officer _____
Date Completed _____
Signature of Supervisor _____ Signature of Director _____
Date: _____ Date: _____
Negative Media coverage? _____ <u>Potential</u> for Negative Media Exposure: _____

Brief Description of Incident (Continued): _____

[illegible]